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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,499	11/10/2000	Kevin Irlen	KIRLP001	5143
27189	7590	11/03/2004	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP			LE, MIRANDA	
530 B STREET			ART UNIT	
SUITE 2100			PAPER NUMBER	
SAN DIEGO, CA 92101			2167	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/710,499

Applicant(s)

IRLEN, KEVIN

Examiner

Miranda Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/09/2004 has been entered.
2. This communication is responsive to Amendment, filed 08/09/2004.
3. Claims 1, 36-41 are pending in this application. Claims 1, 36 are independent claims. In the Amendment, claims 2-35 have been canceled, claims 1 has been amended, claims 36-41 have been added. This action is made non-Final.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by McGlew et al. (US Patent No. 5,772,213).

McGlew anticipated independent claims 1, 8, 14, 17, 19, by the following:

**As per claim 1**, McGlew teaches “a computer implemented method of modeling information, the method comprising: providing at least one database comprising a plurality of data models elements, each of said data models elements having a mechanism to contain a representation of data in a space and time relationship” at col. 1, line 56 to col. 2, line 58;

“organizing each data element such that each data comprises a plurality of frames, each frame containing quantitative data along time and space axes and a plurality of event segments, positioned along the time axis including at least one hierarchical connection to at least one another of the plurality of data elements” at col. 10, line 23 to col. 11, line 18, Figs. 5, 7a;

“wherein the hierarchical connection between two data elements is defined by a link model, wherein the link model categorizes data and indicates the purpose of the hierarchical connection” at col. 10, line 23 to col. 11, line 18, Figs. 5, 7a.

**As per claim 36**, McGlew teaches “A computer implemented data model for organizing a plurality of data elements, comprising: a data storage area comprising a plurality of data elements, wherein each data element comprises a plurality of frames having quantitative data relating to the data element and a plurality of event segments, each event segment defined by a start date and an end date” at col. 1, line 56 to col. 2, line 58;

“wherein an event segment comprises a link configured to associate a data element with a corresponding data element, wherein the correspondence is defined by a link mode” at col. 10, line 23 to col. 11, line 18, Figs. 5, 7a.

**As per claim 37**, McGlew teaches “wherein a first data element comprises a first event segment defined by a first start date a first end date, the first event segment further having a first link identifying a discrete incident that occurred between the first start date and the first end date and correlating the first data element to a second data element, wherein the second data element represents the discrete incident” at col. 6, line 37 to col. 7, line 65, Fig. 5.

**As per claim 38**, McGlew teaches “wherein an event segment includes a start range and an end range, wherein the start range indicates a degree of error associated with the start date and the end range indicates the degree of error associated with the end date” at col. 6, line 37 to col. 7, line 65, Fig. 5.

**As per claim 39**, McGlew teaches “wherein a frame is defined by time and space coordinates and includes a frame range that indicates the degree of error associated with the time and space coordinates” at col. 6, line 37 to col. 7, line 65, Fig. 5.

**As per claim 40**, McGlew teaches “wherein two discrete databases

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conforming to the data model are merged by a link between a data element in a first discrete database and a data element in a second discrete database” at col. 6, line 37 to col. 7, line 65, Fig. 5.

**As per claim 41**, McGlew teaches “wherein the merged database is organized according to time and space coordinates for frames, start and end dates for event segments, and link models for links” at col. 6, line 37 to col. 7, line 65, Fig. 5.

### ***Response to Arguments***

6. Applicant's arguments regarding Rao does not teach the claimed data and method of modeling data with respect to claim 1, have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
October 29, 2004



ROBERT ROBINSON  
PRIMARY EXAMINER